



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

OCT 21 2014

Mr. Steve Morinchin
Alcoa Mill Products
1480 Manheim Pike
Lancaster, PA 17604

**Re: Notice of Violation
Compliance Evaluation Inspection
July 30, 2014
EPA ID No. PAD049029697**

Docket Number: R3-15-NOV-RCRA-02

Dear Mr. Morinchin:

On July 30, 2014 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at Alcoa Mill Products (the Facility). A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under the PAHWR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection the inspector observed waste batteries being stored along the wall of the Store Room; see page 7 and photo 16 of the inspection report. Two containers marked as universal waste batteries and marked with an accumulation date of 7/16/2014. Next to these containers were 6 batteries observed that were not marked as universal waste or marked with an accumulation date. Universal waste batteries must be labeled or marked with the following phrases: "Universal Waste-Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)" as required by 25 PAHWR §266b [40 CFR 273.14(a)]. The Universal Waste regulations require the facility demonstrate the length of time the universal waste has accumulated as required in 25 PAHWR §266b [40 CFR 273.15(c)].
2. During the inspection of the chemistry laboratory the inspector the facility representative stated that the satellite accumulation area for this lab is emptied into a 55 gallon container outside the double doors and next to the Hunter Coating Line; see photo 17 of the inspection report. This 55 gallon container is labeled as hazardous waste and is also considered by the Facility as a SAA for the Lab. There was no accumulation date marked on the container. Failure to have the accumulation of hazardous waste at or near the point of generation and under the control of the operator as required by 25 PA §262a [40 C.F.R. 262.34(c)(1)].

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within fifteen (15) business days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with violation noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Oct 21, 2014

Date

Enclosure

cc: S. Forostiak (3LC70)
R. Bartholomew (PADEP)